

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

EMMA KOE et al.,

Plaintiffs,

v.

CAYLEE NOGGLE et al.,

Defendants.

Civil Action No. 1:23-cv-  
02904-SEG

**PARTIES' JOINT PROPOSED HEARING AND BRIEFING SCHEDULE**

Pursuant to the Court's orders at its July 5, 2023, Hearing ("the Initial Hearing") and subsequent Minute Order (ECF No. 61), the parties met and conferred on July 6th, 2023 at 4:15 PM ET and again on July 7th at 10:00 AM ET to discuss a proposed schedule for an expedited evidentiary hearing. The parties also discussed a proposed schedule for Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (ECF No. 2), Defendants' Sur-Reply, and Plaintiffs' Motions to Proceed Under Pseudonyms. The parties were able to reach agreement as follows.

**I. PARTIES' JOINT POSITION REGARDING THE EVIDENTIARY HEARING AND DEFENDANTS' SUBMISSION OF EXPERT DECLARATIONS**

The Parties agree that an evidentiary hearing should take place the week of August 7-13. The Parties respectfully request that the Court hold the hearing with live testimony from experts<sup>1</sup> on August 10th, 2023. Plaintiffs have confirmed their experts are available on August 10th.<sup>2</sup> The Parties anticipate that the evidentiary hearing can be completed in one day, but in an abundance of caution, respectfully request that the Court also set aside time on the morning of August 11th should it be necessary. The Parties agreed that Defendants will serve any expert declarations by August 1st, 2023. Plaintiffs anticipate serving one additional expert declaration with their TRO reply and neither party anticipates submitting any further rebuttal testimony.

If the Court is unable to accommodate this request to hold the hearing on August 10<sup>th</sup>, the Parties submit the following statements regarding alternative dates:

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<sup>1</sup> Defendants would propose dispensing with direct examinations to save time; Plaintiffs believe direct testimony is necessary. Defendants also reserve the right to seek testimony from the Plaintiffs' fact witnesses but hope to avoid that necessity if possible. Plaintiffs do not believe such testimony is necessary.

<sup>2</sup> Defendants are working to confirm the availability of their anticipated experts, who are in the process of being retained. At least one expert has an obligation the second week of August but can testify remotely, which Plaintiffs have indicated is acceptable to them if necessary. Defendants expect to inform the Court by 5:00 PM ET on Thursday, July 13th, as to the in-person availability of their other experts.

**Plaintiffs' Position:** August 10<sup>th</sup> represents the outer limit of the time period the Plaintiffs believe the evidentiary hearing should occur, given the imminence of the harms faced by Plaintiffs, and the Court's desire to expedite the proceedings. If the Court is unable to hold a hearing by August 10<sup>th</sup>, Plaintiffs respectfully request that the Court hold a hearing on Plaintiffs' Motion for a Temporary Restraining Order (ECF No. 2) on or around July 21<sup>st</sup>, 2023, with a later date set for an evidentiary hearing on Plaintiffs' Motion for a Preliminary Injunction. As described below, the Parties have agreed to complete briefing on the Motion by July 19<sup>th</sup>, 2023, so the Court will have a complete written record by that date.

**Defendants' Position:** Defendants believe a hearing could be held the week of August 14 if necessary, and (in light of the concerns already raised in the TRO briefing about lack of an imminent harm) believe that is preferable to a decision without a hearing. Indeed, the week of August 14 is preferable for at least one of Defendant's experts but in the interest of compromise they are prepared to proceed with a hearing the week before and appreciate Plaintiffs' willingness to accommodate remote testimony.

## **II. PARTIES' JOINT POSITION REGARDING THE BRIEFING SCHEDULE AND PSEUDONYM MOTIONS**

The Parties agree that Plaintiffs will file their Reply to Defendants' Opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary

Injunction (ECF No. 41) on July 12th, 2023. Defendants will file their Sur-Reply on July 19th, 2023.

The Parties discussed Plaintiffs' Motions to Proceed Under Pseudonyms (ECF Nos. 3–7). Defendants informed Plaintiffs that they do not intend to challenge Plaintiffs' Motions, but reserve the right to seek discovery with appropriate confidentiality protections.

The parties have further agreed to postpone any deadline for Defendants to submit an answer or other responsive pleading under Rule 12 until 21 days after the court issues a decision on the motion for preliminary injunction.

Respectfully submitted this 7th day of July, 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on July 7, 2023, I electronically filed the foregoing with the Court and served it on opposing counsel through the Court's CM/ECF system.

All counsel of record are registered ECF users.

/s/ Benjamin G. Bradshaw  
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